

REMARKS

I. Substance of Examiner Interview

Applicants thank Examiner Mertz for the telephone interview with Applicant's representative on December 2, 2008, regarding the present application and proposed claim amendments that may place the application in condition for allowance.

During the interview, the participants discussed amendments to the claims currently under consideration, and further discussed possible rejoinder of a number of claims currently withdrawn from consideration as being directed to non-elected subject matter. The Examiner's helpful comments and suggestions are greatly appreciated.

II. Claim Amendments

Further to the interview, Applicants submit the foregoing amendments to the claims.

By the amendments to the claims, claims 17-29 and 42-47 have been amended; claims 1-16, 30-41, and 48-53 have been canceled; and new claims 54 and 55 have been added.

Support for the amendments can be found throughout the application as filed.

In particular, claim 19 has been amended by reciting a number of specific vectors, rather than reciting that the vector is "derived from" various sources. Claim 19 has been further amended by deleting recitation of particular viral vectors, and reciting this subject matter in new dependent claims 54 and 55. Support for viral vectors in general can be found at least at page 27, lines 15-17 (indicating that the term "vector" includes "viral as well as nonviral vectors").

Support for "a pharmaceutical vehicle," as recited in amended claims 44-47, can be found at least at page 46, lines 31-34 and page 47, lines 17-20.

Additional amendments to the claims have also been made to clarify the claim language, for consistency, and to bring the claims into better conformance with U.S. patent practice. These amendments are merely editorial in nature and are not intended to change the scope of the claims or any elements recited therein.

The amendments to the claims, including cancellation of claims, have been made without prejudice or disclaimer to any subject matter recited or canceled herein. Applicants reserve the right to file one or more continuation and/or divisional applications directed to any canceled subject matter. No new matter has been added, and entry of the foregoing amendments to the above-identified application are respectfully requested.

III. Request for Rejoinder

Applicants respectfully request rejoinder of withdrawn claims 26, 27, 42-44, and 46, related to infectious viral particles (claims 26, 27, 42, 44, and 46) and host cells (claims 43) comprising a nucleic acid molecule encoding a fusion protein comprising SEQ ID NO: 1.

An infectious particle is a biological molecule composed of a viral vector surrounded by viral proteins that permit infection of a host cell and delivery of the vector into the host cell. In the present claims, the invention is related not to the infectious particle, but to the nucleic acid molecule encoding a fusion protein comprising SEQ ID NO: 1. Applicants submit that viral proteins and methods for creating an infectious viral particle comprising an exogenous nucleic acid sequence were well known and routine in the art at the time of filing, analogous to the formation of recombinant host cells (included in the elected restriction group). Accordingly, Applicants respectfully request rejoinder of the claims related to infectious viral particles. Applicants further request rejoinder of claim 43, which has been corrected to depend from claim 19 rather than from claim 26.

CONCLUSION

Favorable consideration of the subject application, in light of the following remarks, are respectfully requested.

Respectfully submitted,

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